

Gateway Determination

Planning proposal (Department Ref: PP-2021-3588): Amendment to Blayney Local Environmental Plan 2012 being PP2 – Millthorpe and surrounds as adopted by Council on 17 May 2021 (Item 2105/012).

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the amendment to Blayney Local Environmental Plan 2012 by amending zone and minimum lot size at Millthorpe and surrounding area, and permitting additional dwelling houses at Lots 46 & 47 DP 263360, Lot 40 DP 263360 and Part Lot 247 DP 1011136 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal authority is to amend or provide an addendum to the planning proposal to include the following:
 - a. Undertake preliminary contamination investigations for the dwelling permissibility land (PP2B) and 78 Clover Ridge Road, Millthorpe (PP2D) to satisfy Council the subject land is suitable or can be made suitable for the proposed residential use.
 - b. Address consistency with section 9.1 Ministerial Direction 2.6 – Remediation of Contaminated Land and State Environmental Planning Policy No 55 – Remediation of Land.
 - c. Amend section 2.3.3.3 Map(s) of the planning proposal report to update the property address for Lots 46 & 47 DP263360 and Lot 40 DP263360.
 - d. In relation to PP2C – North Millthorpe - amend section 2.4.3.2 and 2.4.4 of report to include the intent of a new map overlay to maintain 4000m² minimum lot size subject to the provision of water and sewer services and to increase minimum lot size to 2ha without servicing.

Council is to forward a revised planning proposal to the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.

2. The planning proposal must be exhibited within **3 months** from the date of the Gateway determination. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is to be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act.

- Orange City Council in relation to PP2C – North Millthorpe.
- Natural Resources Access Regulator for requirement for on site water supply for dwelling permissibility sites (PP2B), change to MLS for North Millthorpe (PP2C) and 78 Clover Ridge Road, Millthorpe (PP2D).

The public authority/agency is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

(a) the planning proposal authority has satisfied all the conditions of the Gateway determination; and

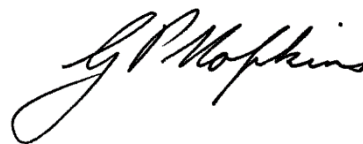
(b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and

(c) there are no outstanding written objections from public authorities.

6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.

7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 16th day of August 2021.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces